

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JOHN HENSON,

Plaintiff,

Case No. 1:23-cv-1252

v.

Honorable Ray Kent

UNKNOWN PART(Y)(IES),

Defendant.

/

ORDER TO FILE AMENDED COMPLAINT

This is a civil rights action brought by a county detainee under 42 U.S.C. § 1983. All civil rights complaints brought by prisoners must be submitted on the form provided by this Court. *See* W.D. Mich. LCivR 5.6(a). Plaintiff failed to file his complaint on the requisite form. If Plaintiff wishes to proceed with his action, he must carefully fill out the form and submit it to the Court.

Further, the Court notes that a “pleading that states a claim for relief must contain,” among other things, “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). In this action, Plaintiff fails to name any Defendants. It is a basic pleading essential that a plaintiff attribute factual allegations to particular defendants. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–61 (2007) (holding that, in order to state a claim, a plaintiff must make sufficient allegations to give a defendant fair notice of the claim); *see also Gilmore v. Corr. Corp. of Am.*, 92 F. App’x 188, 190 (6th Cir. 2004) (dismissing complaint where plaintiff failed to allege how any named defendant was involved in the violation of his rights).

Nevertheless, the Court will grant *pro se* Plaintiff leave to file an amended complaint to correct the noted deficiencies.¹ The Court directs the Clerk to send Plaintiff a copy of the form complaint under 42 U.S.C. § 1983 for a civil action by a person in custody. Plaintiff shall submit an amended complaint by filing his amended complaint on the requisite form within twenty-eight (28) days from the date of entry of this order. The amended complaint will take the place of the original complaint, so it must include all of the Defendant(s) that Plaintiff intends to sue and all of the claims that Plaintiff intends to raise. The case number shown above must appear on the front page of the amended complaint. If Plaintiff fails to submit an amended complaint in proper form within the time allowed, the Court may dismiss the complaint without prejudice. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: 12/7/2023

/s/ Ray Kent

Ray Kent

United States Magistrate Judge

¹ The Court notes that Plaintiff's amended complaint must also comply with the Federal Rules of Civil Procedure regarding the proper joinder of parties and claims. *See* Fed. R. Civ. P. 18(a); *see also* Fed. R. Civ. P. 20(a)(2). "[A] civil plaintiff may not name more than one defendant in his original or amended complaint unless one claim against each additional defendant is transactionally related to the claim against the first defendant and involves a common question of law or fact." *Proctor v. Applegate*, 661 F. Supp. 2d 743, 778 (E.D. Mich. 2009) (internal quotation marks omitted).